



General Assembly

February Session, 2006

Amendment

LCO No. 3938

SB0038603938SD0

Offered by:

SEN. MURPHY, 16th Dist.

To: Senate Bill No. 386

File No. 333

Cal. No. 259

"AN ACT CONCERNING REVISIONS TO THE OFFICE OF HEALTH CARE ACCESS STATUTES."

1 Strike lines 293 to 354, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "Sec. 8. Section 19a-639b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2006*):

5 (a) The Commissioner of the Office of Health Care Access or the
6 commissioner's designee may grant an exemption from the
7 requirements of section 19a-638, as amended, or subsection (a) of
8 section 19a-639, as amended, or both, for any nonprofit facility,
9 institution or provider that is currently under contract with a state
10 agency or department and is seeking to engage in any activity, other
11 than the termination of a service or a facility, otherwise subject to said
12 section or subsection if:

13 (1) The nonprofit facility, institution or provider is proposing a
14 capital expenditure of not more than one million dollars and the

15 expenditure does not in fact exceed one million dollars;

16 (2) The activity meets a specific service need identified by a state
17 agency or department [and confirmed as a current need by the Office
18 of Health Care Access] with which the nonprofit facility, institution or
19 provider is currently under contract; and

20 (3) The commissioner, executive director, chairman or Chief Court
21 Administrator of the state agency or department that has identified the
22 specific need confirms, in writing, to the office that (A) the agency or
23 department has identified a specific need with a detailed description of
24 that need and that the agency or department believes that the need
25 continues to exist, (B) the activity in question meets all or part of the
26 identified need and specifies how much of that need the proposal
27 meets, (C) in the case where the activity is the relocation of services,
28 the agency or department has determined that the needs of the area
29 previously served will continue to be met in a better or satisfactory
30 manner and specifies how that is to be done, (D) in the case where the
31 activity is the transfer of all or part of the ownership or control of a
32 facility or institution, the agency or department has investigated the
33 proposed change and the person or entity requesting the change and
34 has determined that the change would be in the best interests of the
35 state and the patients or clients, and (E) the activity will be cost-
36 effective and well managed.

37 (b) The Commissioner of the Office of Health Care Access or the
38 commissioner's designee may grant an exemption from the
39 requirements of section 19a-638, as amended, or subsection (a) of
40 section 19a-639, as amended, or both, for any nonprofit facility,
41 institution or provider that is currently under contract with a state
42 agency or department and is seeking to terminate a service or a facility,
43 provided the commissioner, executive director, chairperson or Chief
44 Court Administrator of the state agency or department with which the
45 nonprofit facility, institution or provider is currently under contract
46 confirms, in writing, to the office that the needs of the area previously
47 served will continue to be met in a better or satisfactory manner and

48 specifies how that is to be done.

49 ~~[(b)]~~ (c) A nonprofit facility, institution or provider seeking an
50 exemption under this section shall provide the office with any
51 information it needs to determine exemption eligibility. An exemption
52 granted under this section shall be limited to part or all of any services,
53 equipment, expenditures or location directly related to the need or
54 location that the state agency or department has identified.

55 ~~[(c)]~~ (d) The office may revoke or modify the scope of the exemption
56 at any time following a public review that allows the state agency or
57 department and the nonprofit facility, institution or provider to
58 address specific, identified, changed conditions or any problems that
59 the state agency, department or the office has identified. A party to any
60 exemption modification or revocation proceeding and the original
61 requesting agency shall be given at least fourteen calendar days
62 written notice prior to any action by the office and shall be furnished
63 with a copy, if any, of a revocation or modification request or a
64 statement by the office of the problems that have been brought to its
65 attention. If the requesting commissioner, executive director, chairman
66 or Chief Court Administrator or the Commissioner of Health Care
67 Access certifies that an emergency condition exists, only forty-eight
68 hours written notice shall be required for such modification or
69 revocation action to proceed."